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Attorney for Debtor/Defendant

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In Re:)	Case No. 08-07659-T7
)	
SAMUEL E. SINGH)	Adversary Proceeding
)	No.: 08-90513
Debtor)	
)	ANSWER TO COMPLAINT TO
)	DETERMINE NONDISCHARGEABILITY
)	OF DEBT
MARCUS FAMILY LAW CENTER, PLC.)	
)	
Plaintiff)	
)	
v.)	
)	
SAMUEL E. SINGH)	
)	
Defendant)	
)	

1. COMES NOW Defendant, SAMUEL E. SINGH, who answers Plaintiff's
 Complaint on file herein as follows:

2. The answering Defendant herein deny paragraphs 7 through 25.

AS AND FOR A FIRST, SEPARATE, AND AFFIRMATIVE
 DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED
 AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:

3. Plaintiff's Complaint and every purported cause of action
 therein fails to set forth facts sufficient to state a claim
 pursuant to 11 USC Section 523(a)(2)(A) or 727(a)(2)(4) or (5) as
 against this answering defendant.

AS AND FOR A SECOND, SEPARATE, AND AFFIRMATIVE
DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED
AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:

4. That at all times and places set forth in Plaintiff's
Complaint, Plaintiff's actions were contributorily negligent and
is a bar to recovery.

AS AND FOR A THIRD, SEPARATE, AND AFFIRMATIVE
DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED
AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:

5. That Defendant never made any false representation to
Plaintiff regarding ability to pay any debt.

AS AND FOR A FOURTH, SEPARATE, AND AFFIRMATIVE
DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED
AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:

6. That Defendant never had any intent to defraud Plaintiff.

AS AND FOR A FIFTH, SEPARATE, AND AFFIRMATIVE
DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED
AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:

7. That Plaintiff has failed to exercise reasonable care and
diligence in the conduct of his financial affairs.

AS AND FOR A SIXTH, SEPARATE, AND AFFIRMATIVE
DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED
AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:

8. That Defendant has supplied all statutory information required
of him regarding disclosures of recent payments of debt within
one year of filing.

AS AND FOR A SEVENTH, SEPARATE, AND AFFIRMATIVE
DEFENSE, THIS ANSWERING DEFENDANT IS INFORMED
AND BELIEVES AND THEREON ALLEGES AS FOLLOWS:

9. That this Creditor is not acting in good faith in the within
action. By way of example, Plaintiff failed to examine Debtor at
the 341(a) meeting which may have addressed issues Plaintiff
raises in his second through fourth causes of action.

10. Therefore, Plaintiff may not recover for losses which could

1 have been prevented by reasonable efforts on his own part, or by
2 expenditures that might reasonably have been made. Further,
3 Plaintiff's recovery, if any, should be reduced by Plaintiff's
4 failure to mitigate his damages.

5 WHEREFORE, this answering Defendant prays on all causes of
6 action:

7 1. That Plaintiff takes nothing from his Complaint on file
8 herein;

9 2. For a determination that the underlying debt, which is the
10 subject of this action, be discharged, and;

11 3. That judgment be entered in the within action in favor of this
12 answering Defendant and against the Plaintiff upon the issues in
13 the Complaint, and;

14 4. For an award of attorney fees per 524(d);

15 5. For an award of costs other than attorney's fees, and

16 6. For such and further relief as the Court deems just and
17 proper.

18
19 December 17, 2008

/s/ John F. Lenderman

JOHN F. LENDERMAN

Attorney for Debtor/Defendant

In Re: SAMUEL E. SINGH

CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:

That I am, and at all times hereinafter mentioned was, more than 18 years of age;

That on **December 17, 2008**, I served a true copy of the **ANSWER TO COMPLAINT TO DETERMINE NONDISCHARGEABILITY OF DEBT**, by sealing and depositing in the United States mail at El Centro, California and with postage fully prepaid on envelope, containing the above-described copy, on:

GREGORY A. AKERS
Chapter 7 Trustee
P. O. Box 26219
San Diego, CA 92196

US TRUSTEE
402 West Broadway, Suite 600
San Diego, CA 92101-8511

ETHAN MARCUS
MARCUS FAMILY LAW CENTER, PLC.
732 State Street
El Centro, CA 92243

I certify under penalty of perjury, under the law of the State of California, that the foregoing statement is true and correct.

Executed on December 17, 2008

/s/ Lynn Mavila
LYNN MAVILA
303 South 8th Street
El Centro, CA 92243